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13 **UNITED STATES DISTRICT COURT**  
14 **CENTRAL DISTRICT OF CALIFORNIA**  
15 **WESTERN DIVISION**

16 ROBERT HUNTER BIDEN, an  
individual,

17 Plaintiff,

18 vs.

19 PATRICK M. BYRNE, an individual,

20 Defendant.

Case No. 2:23-cv-09430-SVW-PD

**PLAINTIFF ROBERT HUNTER  
BIDEN'S SUPPLEMENTAL  
OPPOSITION TO DEFENDANT'S  
MOTION IN LIMINE NO. 6 TO  
EXCLUDE TESTIMONY OR  
EVIDENCE OF DEFENDANT'S  
FINANCIAL CONDITION**

21 Date: July 21, 2025  
22 Time: 3:00 P.M.  
23 Place: Ctrm. 10A

24 Judge: Hon. Stephen V. Wilson

## MEMORANDUM OF POINTS AND AUTHORITIES

## I. INTRODUCTION

3 By this motion in limine, Defendant Patrick M. Byrne (“Defendant”) seeks to  
4 exclude any evidence or testimony regarding Defendant’s financial condition, on the  
5 grounds that such evidence is irrelevant to the determination of liability in this matter  
6 and prejudicial. Defendant’s argument fails because evidence of his financial  
7 condition is relevant to Plaintiff Robert Hunter Biden’s (“Plaintiff”) punitive damages  
8 claim and there has been no bifurcation of the liability and damages phases of this  
9 trial, despite both parties requesting such a bifurcation. Therefore, there cannot be a  
10 blanket exclusion of evidence regarding Defendant’s financial condition, which is  
11 relevant to the determination of punitive damages, unless the Court orders the liability  
12 and damages phases to be bifurcated under Federal Rule of Civil Procedure 42.

13 Accordingly, Defendant's Motion in Limine No. 6 to exclude any evidence or  
14 testimony regarding Defendant's financial condition should be denied.

## II. ARGUMENT

16 Motions in limine are procedural devices to obtain an early and preliminary  
17 ruling on the admissibility of evidence. *United States v. Heller*, 551 F.3d 1108, 1111  
18 (9th Cir. 2009). Although the Federal Rules of Evidence do not explicitly authorize  
19 motions in limine, the Supreme Court has noted that trial judges have developed the  
20 practice pursuant to their authority to manage trials. See *Luce v. United States*, 469  
21 U.S. 38, 41 n. 4 (1984). Trial courts have broad discretion when ruling on  
22 motions in limine. See *Jenkins v. Chrysler Motors Corp.*, 316 F.3d 663, 664 (7th Cir.  
23 2002).

24 However, “a motion in limine should not be used to resolve factual disputes or  
25 weigh evidence.” *C & E Servs.*, 539 F.Supp.2d at 323. A motion in limine is not the  
26 proper vehicle for seeking a dispositive ruling on a claim, particularly after the  
27 deadline for filing such motions has passed. *See Dubner v. City and Cnty. of San*  
28 *Francisco*, 266 F.3d 959, 968 (9th Cir. 2001); *see also* Jones, et al., Rutter Group

1 Prac. Guide Fed. Civ. Trials & Evid., ¶ 4:345 (The Rutter Group, 2006) (“Motions *in*  
2 *limine* may not be used, however, as a disguise for a motion for summary judgment  
3 or to dismiss.”).

4 “Motions in limine that seek exclusion of broad and unspecific categories of  
5 evidence, however, are generally disfavored.” *Kaneka Corporation v. SKC Kolon PI,*  
6 *Inc.*, 2015 WL 12696109, \*2 (C.D. Cal. Nov. 5, 2015) (quoting *Sperberg v. The*  
7 *Goodyear Tire and Rubber Co.*, 519 F.2d 708, 712 (6th Cir. 1975)). Courts have  
8 recognized that it “is almost always better situated during the actual trial to assess the  
9 value and utility of evidence. [citation omitted]…Therefore, when confronted with  
10 this situation, “a better practice is to deal with questions of admissibility of evidence  
11 as they arise [in actual trial]” as opposed to tackling the matter in a vacuum on a  
12 motion in limine. [Citation omitted].” *Kaneka*, 2015 WL 12696109, \*2. Here,  
13 Plaintiff seeks to exclude the broad category of any evidence of Defendant’s financial  
14 condition. That is improper and should be denied.

15 **A. Evidence of Defendant’s Financial Condition is Relevant to the  
16 Determination of Punitive Damages.**

17 Defendant’s basis for excluding evidence of his financial condition is that such  
18 evidence is irrelevant to the determination of liability in this matter. However,  
19 Defendant admits in the Motion “[t]his evidence will only become relevant if the jury  
20 finds Defendant liable and makes a finding that Defendant is liable for punitive  
21 damages.” (Motion, at 2:2-4.) Additionally, in his Memorandum of Contentions of  
22 Fact and Law, filed on November 5, 2024, Defendant admits that if the jury finds him  
23 liable for defamation in this case, “[o]nce they do so, they will have to consider  
24 Defendant’s financial condition as part of their determination of punitive damages.”  
25 (See Dkt. No. 94, at 15:3-7.) Central District Local Rule 16-4.3 requires any request  
26 for bifurcation to be contained in the Parties’ memorandum of contentions of law and  
27 fact. While both parties have sought a bifurcation order in this matter to separate the  
28 issues of liability from those involving the determination of punitive damages, the

1 Court has not issued any such bifurcation order pursuant to Federal Rule of Civil  
2 Procedure 42. Accordingly, without an order bifurcating the liability phase of the trial  
3 from the punitive damages phase of the trial, the Parties agree that Defendant's  
4 financial condition is indeed relevant. This position is also supported by relevant case  
5 law. *See Diaz v. Tesla, Inc.*, 697 F.Supp. 906 (N.D. Cal. 2023) (Defendant's financial  
6 condition may be considered by the jury in awarding punitive damages); *see also*  
7 *Century Surety Co. v. Polisso*, 139 Cal.App.4th 922, 960 (2006) ("The courts have  
8 long recognized that the defendant's financial condition is an essential factor in setting  
9 the amount of a punitive damage award that will be sufficient to serve the goals of  
10 retribution and deterrence without exceeding the necessary level of punishment.");  
11 *State Farm Mut. Auto. Ins. Co. v. Campbell*, 538 U.S. 408, 427-428, 123 S.Ct. 1513  
12 (2003) (evidence of Defendant's financial condition is relevant to determination of  
13 punitive damages).

14 As such, without an order bifurcating the issues of liability and punitive  
15 damages in this case, evidence of Defendant's financial condition is relevant to the  
16 material issues in this case and should not be excluded.

17 **B. The Probative Value of Evidence of Defendant's Financial  
18 Condition is Probative of Plaintiff's Punitive Damages Claims and  
19 Outweighs Any Alleged Prejudice to Defendant.**

20 Citing Federal Rule of Evidence 401, Defendant also argues that the prejudice  
21 to him from the presentation of evidence of his financial condition substantially  
22 outweighs its probative value. That argument is nonsensical. Plaintiff alleged in the  
23 complaint that he was seeking punitive damages as a result of Defendant's defamatory  
24 statements about Plaintiff. It is thus part of Plaintiff's case and highly probative of  
25 damages. *See Sandigo v. Ocwen Loan Servicing, LLC*, 2019 WL 2579341, \*3 (N.D.  
26 Cal. Jun. 24, 2019). Defendant's argument of prejudice should be rejected.

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1 **III. CONCLUSION**

2 For the foregoing reasons, the Court should deny Defendant's Motion In  
3 Limine No. 6.

4 Dated: June 30, 2025

5 **EARLY SULLIVAN WRIGHT  
6 GIZER & MCRAE LLP**

7 By: /s/ Zachary C. Hansen

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